Foreign Fighters in the Syrian Conflict

Strategies to Mitigate the Threat to U.S. Interests

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Executive Summary

In April 2013 Al Qaeda's affiliate in Syria announced the adoption of a new name. The rebranding reflected the merger of groups formerly known as Jabhat al Nusrah and the Islamic State of Iraq (ISI), both engaged in fighting the Assad Regime. Henceforth, the combined organization would be known as the Islamic State of Iraq and Shams (ISIS) (Mourtada & Gladstone, 2013). Despite the name change, the presence in Syria of members of the global jihad movement was not new. Foreign Islamic extremists arrived in Syria a few months after the uprising began in the spring of 2011, and quickly made their presence known through the orchestration of complex suicide attacks against regime targets (Analysis: Syria's Insurgent Landscape, 2013).

Most members of ISIS are not Syrian, meaning they traveled from a second country, often crossing many borders along the way, for the purpose of participating in the Syrian civil war. The most media recent estimates put the number of foreign fighters in Syria at more than 10,000, including more than 1000 from Western nations (Tran, 2014). The U.S. Government believes "dozens" of Americans have traveled, or attempted to travel there (Olsen, 2014). Although there are many reasons why people would leave their homes to travel internationally to this conflict zone, for the purposes of this study, the term "foreign fighter" is used to describe any Islamic extremist who is not a citizen of Syria, who has travelled or intends to travel to the region for the purpose of engaging in combat against the Assad Regime.

Foreign fighters, in addition to changing the character and tenor of the war, also pose a significant threat to the security of nations located outside the region. History since the 1980s has shown former foreign fighters, seeking to continue and spread the war, have carried out terrorist attacks against perceived enemies once they leave the conflict zone. This is especially true once military operations have ended and idle fighters look abroad for other targets. A number of such attacks have been carried out in the U.S., including the 1993 bombing of the World Trade Center and the events 9/11. In both instances the perpetrators of these crimes were foreign fighters prior to becoming covert terrorist operatives. It is the foreign fighters with the ability to travel to the U.S. and other nations of the West which today pose a significant threat of terrorist attack.

U.S. policy beginning in the 1990s and intensifying after the events of 9/11 recognizes the threat posed by such individuals. The jihad in Afghanistan against the Soviets in the 1980s followed by wars in Chechnya and Bosnia in the 1990s brought with them successive generations of foreign fighters, a number of whom traveled to fight from North America or Europe. Even with diversity of background, an idea most individuals shared was an intense hostility towards the United States, no matter who their immediate enemy was at the time. Despite their hatred of Americans and the often vocal expression of this sentiment, U.S. counterterrorism policy during this period was focused primarily on the threat from state sponsors of terrorism, such as Libya, Iran, Syria and North Korea. Any attention which was

given to non-aligned individuals or groups consisted primarily of monitoring their movements and cataloging their activities, with little inclination to intervene. This is especially true since there were many cases where the interests of the jihadis coincided with U.S. foreign policy objectives at the time (The 9/11 Commission Report).

This policy changed following the August 1998 bombings of the U.S. Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania by al Qaeda operatives. Investigation quickly revealed it was this non-aligned extremist group, comprised largely of former foreign fighters, which was responsible. U.S. counterterrorism experts began to realize small, highly-motivated and well-funded groups of jihad veterans could pose a serious threat to U.S. interests. This was reinforced in October 2000 when al Qaeda successfully attacked a military target, the guided missile destroyer USS COLE, in Aden, Yemen. For the second time in less than two years, former foreign fighters were involved in a sophisticated attack on the U.S. which killed Americans (Whitlock, 2008). U.S. intelligence and law enforcement began more actively tracking and investigating non-aligned extremist groups, comprised largely of veterans of jihads in Afghanistan, Bosnia, Chechnya and the Philippines (The 9/11 Commission Report).

The true sea change in U.S. counterterrorism policy came with the 9/11 attacks. Following these tragic and dramatic events, all of Western society came to understand the threat posed by former foreign fighters. U.S. policy was changed to allow the aggressive use of military force to kill or capture such individuals overseas, provided they were not U.S. Persons.[1] Domestically, federal law enforcement agencies, working with state and local partners began active investigative programs to detect and prosecute possible operatives located within the U.S. and to detect and refuse entry to those located abroad (Chanen and Gordon, 2004). Jihads in Afghanistan and Iraq subsequently drew new generations of foreign fighters. Despite the continued influx of foreign fighters to these jihad zones, available data from these conflicts indicates only small numbers came to these wars from the West. One 2008 study cataloged only 18 individuals originating from Europe among 897 foreign fighters understood to have fought against NATO in Afghanistan (Watts, 2008). This represents only 2% of the total. A report detailing the number and nationality of foreign fighters captured up to that point in the contemporaneous conflict in Iraq, showed there were zero (0) jihadis who originated from any Western nation among the 260 foreign fighters captured as of December 2006 (Krueger, 2006).

The present conflict in Syria represents a significant departure from this trend. As discussed above, less than three years of war have seen the overall number of foreign fighters spike to 100,000, with an equally dramatic increase in the ratio of Westerners: greater than 10%, up from 2% in Afghanistan, and 0% in Iraq. This paper examines the threat posed by foreign fighters to U.S. interests and suggests strategies to mitigate the danger. Recommendations are "cross-discipline", encompassing military, law enforcement and diplomatic measures designed to

[1] According to Title 50 § 1801 of the United States Code, a "U.S. Person" is defined as a United States Citizen or Lawful Permanent Resident.

minimize or eliminate the threat to U.S. interests abroad and at home. The implementation of a cohesive strategy now, while foreign fighters in Syria are fully engaged in an active jihad, will position the U.S. to more successfully mitigate the threat once combat operations in the jihad zone wind down or cease altogether, and foreign fighters begin the search for new targets.

I. Introduction and Foundation

The International Jihad Movement

The emergence of a Salafi-jihadi insurgent group in the midst of the Syrian uprising was consistent with trends dating back more than three decades. Within one year of the U.S. invasion of Iraq in 2003, al Qaeda in Iraq (AQI) was formed under the leadership of Abu Musab al Zarqawi, a Jordanian with extensive jihad experience in Afghanistan during the 1990s (National Counterterrorism Center, 2014). The same was true in Yemen, where Al Qaeda in the Arabian Peninsula (AQAP) was founded in 2009 as a recognized and established affiliate of the core organization in Pakistan and Afghanistan (Terrorism and Political Islam, 2009).

AQI and AQAP are but two examples of prominent Al Qaeda affiliates in a world full of groups which identify with the group's Islamist message. In common with similar organizations across the globe, they maintain linkages to the core organization, based in the tribal areas of Pakistan. Founded in August 1988 in Peshawar, Pakistan by Usama Bin Laden and an inner circle of Saudi and Egyptian associates, al Qaeda would not become a household name in the U.S. for a decade (Kalic, 2005). The group was formed amidst the bitter struggle which began with the Soviet invasion of Afghanistan on Christmas Day, 1979, and continued until the Afghan Communists were finally defeated in 1992. At first, the conflict involved only indigenous rebels, whose membership drew heavily from the rural tribes of Afghanistan, fighting against the Soviet Army and their clients, the Afghan Communist Government (Braithwaite, 2011). Although initially a David-and-Goliath struggle between Soviet and Afghan Communists on one side and loosely organized and ill-equipped Afghan rebels on the other, the war in Afghanistan quickly evolved. Within a short time the conflict was declared a "jihad", or holy war against the invaders, urging Muslims worldwide to come to the aid of their coreligionists in Afghanistan (Bellos, 2014). As foreign fighters arrived, they needed to be housed, indoctrinated, trained and equipped before being sent to the battlefield. Al Qaeda was formed to accomplish these tasks.

By engaging the Soviets, the Afghan rebels also became auxiliary combatants in the Cold War. As such, they were supplied aid by Western nations, especially the U.S. and the UK (Prados, 2002). In addition to humanitarian aid to the civilian population, the Central Intelligence Agency (CIA) operated a program of covert military aid to the Afghan resistance (Dibb, 2010). Even as this aid was being used by the rebels to fight the Soviets on more equal terms, there was an understanding in Washington that there existed in the rebel ranks a number of men who harbored animosity towards the U.S. This concern, though valid, was overridden by the pressing strategic need to defeat the Soviets. Aid continued to flow (Tadman, 2012).

With neighboring Pakistan serving as a base and logistics hub, foreign fighters traveled to the region throughout the war and beyond (Braithwaite, 2011). Usama Bin Laden and a core group of men who led al Qaeda for its first decade initially came to Pakistan in order to operate various recruitment, facilitation and logistics organizations serving foreign fighters traveling to the region (Bergin and Cruikshank, 2012). Their assistance to the rebel groups was a counterpoint to aid being supplied by the U.S. Naturally, al Qaeda's assistance was provided only to those groups deemed to be in ideological agreement with its own Islamist views.

By the mid-1980s the war had become an intense guerilla campaign requiring copious manpower among the resistance. Recruiters and facilitators therefore fanned out from Pakistan, carrying word to Muslims in the Middle East, Asia, Europe and North America about the plight of their brothers and sisters in Afghanistan (Venhaus, 2010). Recruiters included Abdullah Azzam, a fiery and dynamic speaker and Islamist cleric who founded his "services bureau" in Pakistan to accept and train incoming foreign fighters as these were men who usually did not speak local dialects and lacked familial or tribal connections to the area. Azzam also traveled to Western nations, including the U.S., drumming up financial support and recruits for the conflict through lectures described as powerful and inspiring (Bergin and Cruikshank, 2012).

The jihad against the Soviets provided extremists the impetus to develop and implement means of recruiting, transporting, training and then employing foreign fighters in furtherance of jihad in Afghanistan. When victory over the Soviets and their Afghan communist proxies finally came in the early 1990s, foreign fighters, many of whom harbored extreme hostility towards the U.S. and Israel, began to contemplate what to do next. Despite the contradiction, the foreign fighters were willing to accept and utilize U.S. supplied weapons, while at the same time categorically rejecting Western values like democracy and human rights. Many also attributed most of the world's ills to U.S. foreign policy, particularly with regard to American support for governments in Muslim countries which the extremists considered illegitimate and corrupt, as well as their backing of Israel (Ismail, 2006).

Bin Laden and his inner circle of experienced jihadists from Saudi Arabia and Egypt now possessed a mass of armed and experienced men and a sophisticated network to support them. Given the large numbers of men in their ranks from the Arab world, foreign fighters were referred to as "Arab Afghans" (Li, 2011). By the early 1990s Arab Afghans represented an experienced cadre which existed to mobilize and inspire Muslims to travel to fight on behalf of people they had never met, in order to right perceived wrongs. In addition to dissemination of the religious and political message, the network also had the logistical capabilities to transport operatives to jihad locations worldwide and to sustain them in battle. Some of the arms in their possession were complex systems, supplied by the U.S.

While it is unclear exactly when the group began using the name al Qaeda (Arabic for "the base"), this is the organization which was a major unifying force for the early international jihad movement (Bergin and Cruikshank, 2012). Given its capabilities, the group resolved to

turn their attention towards other enemies and other locations where Muslims were being oppressed. The decade of the 1990s found plenty of scope for their energies. Conflicts in Bosnia, Chechnya and the Philippines all saw local Muslim populations clash with non-Muslim opponents. In the eyes of the jihad movement, enemies in these regions sought to steal Muslim lands and exterminate or enslave their people (Knickmeyer and Finer, 2006). In response, foreign fighters began traveling to these locations as well. Some were veterans of the jihad in Afghanistan, while some were new to the movement. So prevalent did the impetus for jihad become, the most dedicated of these fighters participated in multiple conflicts, journeying between the Pak-Afghan region, and war zones in Bosnia and Chechnya (Chanen and Gordon, 2004). Between bouts of combat, fighters rested or recovered from wounds, often receiving medical care in their home countries. Even while recuperating, many operatives remained engaged in jihad work, providing logistical assistance to the movement, or conducting recruiting and fund raising while not on the battlefield (Bergin and Cruikshank, 2012).

Also during the 1990s, the movement underwent a transformation in thinking. While the fight against the Soviets in Afghanistan initially began as a "defensive jihad", that is, a war fought to free Muslims and Muslim land from occupation (Dibb, 2010), thinking gradually evolved to expand the scope of their aims. By 1996, the movement's strategic goals were no longer solely defensive. With their aims achieved in Afghanistan, al Qaeda's leaders called for and planned to implement the return of the Caliphate, or worldwide leader of the Muslims who would unite all people under Sharia, or Islamic law. They also identified the United States as the central enemy of Muslims, in part because their perception of American support to regimes they considered corrupt and illegitimate, in part because the U.S. stood for values which ran counter to their religious views. Extremists also objected to the presence of U.S. military forces on soil considered sacred to Muslims, chiefly Saudi Arabia, and to the Israeli presence in and governance of Jerusalem. Henceforth, the U.S. loomed large in Al Qaeda planning. No matter where other jihads might take place, Americans remained the primary enemy (Bergin and Cruikshank, 2012).

The Syrian Crisis Described – The Arrival of Extremism

When the Syrian uprising began in February 2011, politics in the nation had been dominated for 50 years by a small number of close-knit Alawite families, headed by the Assads and the closely-related Makhlouf family. Alawites, who practice a variant of Shiite Islam, comprised approximately 12% of the population of pre-war Syria (Lund, 2012). The ideology underpinning the regime was the Syrian variant of Ba'athist theory, founded in the 1940s on the tenets of secularism, socialism and pan-Arabism (Langley, 2013). This placed the regime in a head-on collision with Islamists, who sought the establishment of a state governed under Sharia (Islamic Law). Assad family rule was implemented by pervasive Ba'ath Party functionaries, leaving little room for participation in discourse regarding governance. The party dominated political, commercial and everyday life, expecting loyalty from all, but doling out benefits and rewards to relatives and favored friends of the regime, sometimes, but not always along sectarian

lines. The Syrian security service devoted significant resources to detecting perceived disloyalty, dealing with this severely whenever and wherever it was discovered (Smith, 2003).

Syrian Islamist groups, comprised as they were of Sunni Muslims, were distrusted by the regime, particularly because of their interest in replacing Ba'athist rule with Sharia. For this reason they were closely monitored and periodically subjected to repression from security forces, party functionaries and the military (Al-Rawi and Sterling, 2012). The same was true to a lesser extent in neighboring Lebanon, whose government worked with Syria's under a defense and intelligence-sharing agreement to detect and neutralize Salafi militancy, which was seen as a threat on both sides of the border (Khashan, 2011).

The most significant example of Syrian Government repression of Islamists occurred in response to the February 1982 uprising in the city of Hama by members of the Syrian branch of the Muslim Brotherhood. Violence erupted following years of tension between the Brotherhood and the regime, led at the time by Hafez Assad, the current president's father (Langley, 2013). The increasing perception of threat culminated in the regime outlawing membership in the Muslim Brotherhood under penalty of death in 1980 (Meyers, 2011).

Hama was Syria's fourth largest city in 1982 and had a large population of Sunnis. It was an area of significant Muslim Brotherhood activity during the early 1980s, including the stockpiling of arms by Islamist militants (Meyers, 2011). Following a chance clash between Syrian Army units patrolling the city and militants, Islamist leaders ordered a general uprising, during which approximately 70 soldiers and Ba'ath Party officials were killed. The regime reacted decisively, deploying 12,000 troops of the regular Syrian Army and auxiliary forces (Carey, 1982). After a 27 day siege, during which much of Hama was reduced to rubble by artillery fire and airstrikes, regime forces entered the city and killed tens of thousands of civilians whom they considered suspected members and supporters of the Brotherhood.[2] This atrocity is still believed to be the largest scale assault by an Arab Government on citizens of its own country to date. Those Islamists who were not killed were imprisoned or exiled, effectively destroying organized Islamism in Syria (Zisser, 1999).

Although the Assad regime was successful in temporarily eliminating the internal threat from Salafi-jihadis, individual Syrian extremists remained active as participants in the international jihad movement in other locales, including Afghanistan and later, Iraq. Syrians such as Abu Musab al Suri contributed much to the jihad in Afghanistan, even operating his own terrorist training camp and sitting on al Qaeda's Shura council (Cruikshank and Ali, 2007). More recently, he authored a doctrine on international jihad which advocates abandoning groups using centralized structures in favor of small, loosely organized cells which carry out independent mass-casualty attacks on civilians (Samuels, 2012). Other Syrians participated in the jihad in Afghanistan as well. Therefore, despite the lack of an active Islamist network based

[2] Estimates range from 10,000 to 40,000 killed.

inside Syria, individual Syrian foreign fighters were able to develop operational skills and theories in other conflict zones as members of al Qaeda and participants in the international jihad movement. The 2011 uprising saw some of these experienced fighters return home to join the fight against the regime (Arango, Barnard and Saad, 2012).

Spillover from Iraq

Saddam Hussein's regime, which was also founded on Ba'athist principals, viewed participants in the international jihad movement as threats (Meyers, 2011). Under his leadership, opposition movements were not tolerated. Based on their own violent assumption of rule, the Iraqi regime devoted significant resources to detecting and neutralizing perceived disloyalty, including and especially that from Islamists (Smith, 2003). Much as they were in Syria, Iraqi Islamists were marginalized and closely controlled by an aggressive party apparatus and a fearsome security service. Those who showed a tendency towards the use of force were killed, imprisoned or compelled to flee to the peripheries of the country, where they were beyond the reach of the government (Robinson, 2007).

The 2003 invasion of Iraq and the resulting destruction of the vast and repressive Ba'ath apparatus fostered an environment in which Islamists could flourish, particularly in areas of the country with a Sunni majority. While there was initially broad support among Iraqis for the removal of Saddam Hussein, within a short time there evolved a widespread belief among Sunnis that the U.S. and Coalition occupation of Iraq was intended to be permanent (Downing, 2013). There was also considerable suspicion regarding the imposition of a government which had democratic aspects, as this represents a form of governance which would permanently disadvantage the Sunni minority in Iraq. With only 20% of Iraq's population, Sunnis stood to lose the primacy they had enjoyed in the country dating back to the Ottoman Empire.

Within one year of Hussein's ouster, those concerns, combined with the rising number of Sunni civilian deaths due to the increasing tempo of Coalition counterinsurgency operations, created an environment in which resistance to occupation of Iraq stiffened. Jordanian citizen Abu Musab al Zarqawi, a long-time member of the international jihad movement and former foreign fighter, founded al Qaeda in Iraq (AQI) during 2004 for the purpose of driving the Coalition out of Iraq, and establishing an Islamic state ruled by Sharia (Terrorism and Political Islam, 2009). While other Iraqis were also fighting to eject the Coalition, the experienced, motivated and externally funded AQI was well-positioned to emerge at the forefront of the insurgency (Robinson, 2007).

For nearly a decade, AQI remained focused on weakening the influence of the Coalition and its allies in the Iraqi Government in order to achieve its goals. It did so by carrying out a campaign of high-profile mass casualty attacks on Coalition military forces, Iraqi Government targets, foreign humanitarian and aid workers, and the Shiite civilian population. AQI thus fought a war against foreigners, both military and civilian, the Government of Iraq, and sectarian

rivals in its efforts to control Iraq (Kirdar, 2011). It did so largely through the use of spectacular, mass casualty attacks which often indiscriminately killed bystanders, some of whom were Sunni Muslims (Al Qaeda in Iraq, 2014). Following the pattern of other incarnations of the al Qaeda model, AQI welcomed foreign fighters to its ranks (Krueger, 2006).

Although Zarqawi was killed in a 2006 U.S. airstrike, his group, comprised of Iraqis and foreign fighters, survived. However, its capabilities were severely impacted by the loss of leadership and subsequent Coalition raids on safe houses around Baghdad (Knickmeyer and Finer, 2006). Worse was to come for AQI. By the summer of that year, Sunni tribes in the Anbar Province of Iraq began what was termed the "Sunni Awakening", the successful result of Coalition efforts to persuade tribal leaders in the region to act against AQI. The group, particularly its foreign members, had antagonized local tribes by deeming the locals insufficiently pious and by demanding wives from among the population (Al-Rawi and Jensen, 2012). Corrective measures implemented by the group were viewed by the tribes as heavy-handed efforts to control their territory, including the imposition of extremely strict rules governing everyday life (Downing, 2013).

Within three years of the start of the Awakening, efforts by the tribes, in cooperation with U.S. Forces, resulted in the death or capture of nearly 10,000 members of AQI, from a peak strength estimated at 15,000 (Downing, 2013). By mid-2011 violence in Iraq was down and AQI, which renamed itself the Islamic State of Iraq (ISI) in 2006, was no longer capable of maintaining the tempo or intensity of attacks at previous levels. The name change from AQI was part of a larger effort to "rebrand" the organization in order to remove the stigma of association with al Qaeda (Kirdar, 2011).

Subsequent to the U.S. military withdrawal from Iraq at the end of 2011, actions by the Shiite-dominated government alienated Sunnis, allowing AQI/ISI to once again gain ground in Sunni areas of Iraq (Laub and Masters, 2014). Sunni feelings of exclusion from the political process under the Shiite-dominated government in Iraq first led to protests, as were then occurring across the Middle East and North Africa. During this same period, ISI embarked on a campaign of signature mass-casualty attacks against Shiite civilians across Iraq which continued through 2012 and 2013. The Iraqi Government has been unable to halt these attacks and has abandoned control of some portions of western Iraq to a resurgent al Qaeda (Laub and Masters, 2014). With the new name came new methods, learned from the bad policies which triggered the Sunni Awakening. Al Qaeda elements were less heavy handed, appealing to their fellow Sunnis to take action against what they described as a corrupt, unfair and un-Islamic Iraqi Government dominated by the country's Shiite majority (Downing, 2013).

During this same period, the Arab Spring had spread to neighboring Syria. Initial manifestations emerged in February 2011 as street demonstrations calling for reform. Predictably, as occurred in Hama in 1982, the perceived threat to the regime was met with violence. The Syrian Army and security service used force to put down protests in various cities,

firing on civilians en masse. In response, the protests morphed into an uprising, which then became a revolution, and finally, a civil war (Syria Crisis, 2013).

In the beginning, the split between the regime and the rebels fell as much along urban-rural lines, as sectarian ones. The Assad regime was predictably able to retain the loyalty of many members of the Alawite minority, but also large segments of the Christians and Druze populations, all of which have a history of persecution at the hands of Sunnis dating to the time of the Ottoman Empire (Holliday, March 2013). While the Sunni majority was less loyal to the regime from the outset, Assad was initially able to count on some secular Sunni Muslims with a stake in the continued survival of the regime (Lund, 2012). The Sunnis who at first remained loyal to Assad were, as was the case during the 1925 uprising against the French, largely from the wealthy, urban business class who saw greater advantage in the survival of the regime than in its ouster (Provence, 2005). Through the provision of economic and political favors, the regime was able to continue to count on the loyalty of some urban Sunnis prior to the initiation of full-scale civil war, although this deteriorated over time. Sunnis from rural areas were more inclined to oppose the regime from the outset, tending to be more religious and benefitting less from regime patronage than their fellow Sunnis in the cities (Lund, 2012).

With the widening of the conflict, and particularly as a result of repressive and violent actions by the Syrian Army and Ba'athist paramilitaries against civilians, remaining Sunni support began to erode (Holliday, March 2013). Defections from the government and desertions from the army to the rebels have been almost exclusively Sunni (Lund, 2012). By the end of 2011, early defectors from the military formed the Free Syrian Army (FSA). The first members of the FSA were Sunni soldiers who refused to fire on civilians during early protests in the city of Daraa (Holliday, March 2013). As time went by and the number of atrocities mounted, an increasing number of soldiers deserted their posts to join the FSA, including, in some instances, entire units which refused to participate in regime-ordered military action against civilians (Syria Crisis, 2013). The FSA eventually grew into a large, but loosely affiliated collection of local militias, largely comprised of deserters from the army, but also containing civilians who joined the fight against the regime (Spyer, 2012).

Their contest against the government remains an unequal one. In 2011 the Syrian Army numbered 220,000 personnel organized into 13 divisions, equipped primarily with Soviet-manufactured equipment dating from the 1970s and 80s. Prior to the uprising, the army was oriented primarily to defend Syria against external regional threats. Although configured for conventional war, the Syrian Army had secondary missions of regime security and exerting control within occupied Lebanon (Holliday, March 2013). Key units of the army were comprised almost exclusively of Alawites, upon whom the regime can count to remain loyal due to sectarian and family connections. Well-equipped at the beginning of the war, the regime has been able to count on the ongoing support of Russia, which has continued to replenish, through air and sea deliveries, stocks of weapons and ammunition expended during the early fighting

(Saul, 2014). Even though defections have thinned the ranks of the army, those soldiers who remain today are the ones whose loyalty to the regime is certain.

The military command structure is reflective of Syria's demographics and the fact the army, and to a greater extent the Alawite militias, known as the shabiha, were structured to ensure loyalty to the regime. Alawite officers with tribal or familial connections to senior officials were placed in key command positions. Even at the lower echelons, organization reflects that a key priority remains loyalty. Elite units such as the 4th Armored Division contain up to 90% Alawites (Holliday, February 2013), a disproportionally high mix in a nation where the sect comprises only 12% of the overall population (Lund, 2012). As can be expected, this unit, the elite Special Forces divisions, and the shabiha have played key roles since the beginning of the uprising because their troops can be relied upon to remain loyal to the regime in carrying out the harshest of repression (Holliday, February 2013).

External Support to the Syrian Rebels

By the end of 2011, the FSA claimed to number 15,000 soldiers, nearly all Sunnis (White, 2011). Although FSA was and remains comprised almost exclusively of Sunni Muslims, its external political message initially emphasized nationalist values and a desire to free the country from a dynastic dictatorship with no sign the group contemplated an alignment with the international jihad movement. During the group's early days, it avoided the use of extremist rhetoric (Lund, 2012), probably in an effort to attract and retain the support of wealthy external patrons who would not view Islamists favorably. While FSA today contains subgroups and members who lean towards extremist views and who on occasion extol the virtues of Islamism, the size and diversity of the organization defies a homogenized definition (Syria Crisis: Guide to Armed and Political Opposition, 2013).

Despite (or perhaps because of) FSA's efforts at resistance, excesses increased against Sunni civilians by the still-capable Syrian Army and militias. The death toll climbed steadily as the regime sought to crush the uprising. The ongoing repression, originating as it has from a sectarian cleavage, has proven to be a strong attraction for external Sunni actors. In late 2011, the Salafi-jihadi group Jabhat al Nusrah declared its existence in Syria (Olsen, 2014). Al Nusrah's ideology is significantly less ambiguous than that of the FSA, being closely aligned with that of the overall international jihad movement (Lister, 2013). The group has been clear its objective is the removal of the Assad Regime and its replacement with an Islamic government founded on Sharia (Sherlock, 2012).

As occurred in Iraq in 2003, al Nusrah was able to enter the war because the Syrian Army lost control of major portions of the country, including border areas, permitting foreign fighters to move from Iraq to Syria. This loss of control occurred due to reduced numbers and combat strength resulting from defections from the Syrian Army (Holliday, February 2013). The rapidity with which al Nusrah appeared on the scene in a country which had since 1982 seen the

virtual disappearance of any organized Islamist resistance is testimony the Islamic State of Iraq was behind the formation of the group from the very beginning.

This contention is reinforced by the expertise which al Nusrah quickly brought to bear in the conflict. On January 6, 2012, ten months after the uprising in Syria began and 4 months after the group is believed to have commenced operations, the first al Nusrah suicide attack was carried out against regime forces in Damascus (Sherlock, 2012). The short time between when the group emerged and when it began conducting highly effective operations against Syria's well trained and equipped armed forces speaks to the evolution of an existing organization, rather than the formation of a new group. A March 2014 U.S. Government briefing concurs, noting the Islamic State of Iraq (renamed the Islamic State of Iraq and Shams [ISIS] upon its expansion into Syria), founded al Nusrah to serve as its operational arm in Syria. This relationship existed until the groups announced a split April 2013 (Olsen, 2014). Significantly, al Nusrah and ISIS had no role in initiating the Syrian civil war. As had happened numerous times since the Soviet invasion of Afghanistan in December 1979, they merely entered an ongoing conflict in response to what they perceived as a legitimate jihad between the country's Sunni majority, and people they view as non-Muslims.

II. Foreign Fighters in Syria – The Threat

The structure of al Nusrah and ISIS and their present degree of interaction with one another (and with al Qaeda affiliates based elsewhere in the world) is unclear to outside observers. What is understood is that both groups adhere closely to al Qaeda ideology and both make heavy use of foreign fighters (Arango, Bernard and Saad, 2012). A key difference other than leadership appears to be that ISIS favors a more globally-focused jihadi strategy, while al Nusrah is at present placing its emphasis on operations in Syria (Lister, 2013). Both groups employ similar tactics on the battlefield and are fighting for an identical strategic goal: establishment of an Islamic empire following the departure of the Assad Regime in Syria. A current report describes the two organizations as "one single threat, divided by technical issues" (Are ISIL and the Al Nusra Front Really Any Different, 2014).

ISIS operations in Syria reflect the hallmarks of Al Qaeda activities elsewhere: the use of sophisticated explosive devices in suicide attacks, complex and coordinated tactics designed to inflict mass casualties, the use of foreign fighters, and extensive video-graphic documentation of their activities (Al Qaeda leak: Secrets of al-Nusra and ISIL battle in Syria, 2014). ISIS and al Nusrah operations typically combine the use of suicide attacks, referred to by Salafi-jihadis as "martyrdom operations", with conventional military assaults. Such operations use vehicle borne improvised explosive devices (VBIEDs) driven by attackers who die in the blast, to breach fortifications around regime installations. Once the enemy has faced the initial shock of the VBIED attack, fighters launch assaults aimed at overrunning their positions (Sherlock, 2012). It is a tactic which has been chosen because it partially negates the advantage held by the better-equipped regime forces. Significantly, al Nusrah has been observed departing from the tactics of

its forerunner in Iraq (AQI), and began attempting to minimize casualties among civilian bystanders (particularly Sunnis) while still targeting Syrian Regime targets with complex, large-scale attacks (Lund, 2012).

One byproduct of the use of suicide bombings and mass ground assaults is the need for manpower. Operations against heavily armed convoys, fortified military instillations and defended government buildings are costly in casualties, requiring al Nusrah and ISIS to constantly replenish their ranks if they are to keep fighting. Because of their need to replace casualties, al Nusrah and ISIS freely accept foreign fighters as they arrive in Syria, provided they are Sunni Muslims able to demonstrate some degree of knowledge and willingness to fight. Observers estimate between 5000 and 10,000 foreign fighters entered Syria in the first 18 months of the war (Syria Crisis, 2013) with numbers today reaching 110,000 (Olsen, 2014). Foreign fighters cross into Syria via southern Turkey, northern Lebanon or Jordan. The most numerous of them are citizens of nations in North Africa, the Arabian Peninsula, the North Caucuses and Central Asia; however men and women have also come to Syria from North America and Western Europe to join al Nusrah and ISIS (Lund, 2012).

Militants from the West

The transnational nature al Qaeda affiliates such as ISIS and al Nusrah and their long experience in a variety of conflict locations, has made them adept at recruiting manpower from outside the local area. As described above, since the 1980s this has become common practice in conflicts as geographically diverse as Chechnya, Afghanistan, Iraq, Yemen and the Philippines (Samuels, 2012). Although Al Qaeda affiliates have always sought to recruit from abroad in order to bolster numbers and expertise, this need is particularly acute in the war of attrition occurring in Syria. While no conclusive explanation has yet been advanced to account for this phenomenon, the conflict in Syria has attracted foreign fighters from North America and Europe in numbers not previously observed (Al-Tamimi, 2013). By January 2014, the Commission of the European Union (EU) estimated 1200 citizens of EU nations were fighting in civil war zones such as Syria (Brussels Acts to Stem Flow of EU's Radicalized "Foreign Fighters", 2014).

Estimates continue to show a steady increase in the number of foreign fighters from the West. During spring 2014, the U.S. Government estimated there were "dozens" of Americans who traveled to Syria or tried to do so (Olsen, 2014). Following the May 25, 2014 suicide attack against Syrian troops by Moner Mohammad Abu-Salha, the first U.S. citizen to die in Syria as a foreign fighter, the media was estimating there were 70 American citizens in Syria (De Freytas-Tamuramay, 2014).

The number of Europeans in Syria reflects an even more acute crisis. A November 2013 Washington Post article lists numbers of fighters in Syria by country of origin, and attributes the numbers to estimates from each country's intelligence service. According to this report, there were 200-400 French, 200 German, 200-300 UK, 100-300 Belgian, 95 Spanish, 65 Danish, 60

Bosnian, 57 Austrian, 50-100 Dutch, 45-50 Italian, 30-40 Norwegian and 30-40 Swedish citizens in Syria at the end of 2013 (Hegghammer, November 2013). While not all foreign fighters in Syria are affiliated with Islamist organizations, extremists are heavily represented among those who travel from relatively comfortable lives in the West to face death and injury in Syria. In addition, the prevalence of Islamists in Syria will expose fighters of all beliefs to radical ideology upon arrival (Lund, 2012).

One explanation for enthusiasm among Westerners is the vicious sectarian rift and the narrative that the Sunni population of Syria is being subjected to "genocide" by the Alawite-dominated regime and its Shiite allies (DeYoung, 2013). This message has been spread through social media campaigns designed and implemented by computer-savvy extremists, including those on the ground in the region. Like all teenagers and young adults today, Islamic extremists in Syria use Twitter, Instagram, Facebook and a variety of other forms of social media to document their lives. Hand in hand with descriptions (as well as videos and photographs) of atrocities against Sunni civilians and the compelling expansionist narrative of fighting for the return of the Caliphate, have come extensive online depictions of jihadis living extremely well out of the front lines – a "Five Star Jihad". Photos posted daily depict lives filled with ample food (including candy) and nice villas, complete with swimming pools, where ISIS fighters "chillax" when not fighting (Roussinos, 2013). These posts, often having high production value and upbeat themes, emphasize the glamor of the war, the importance of the cause, the plight of fellow Sunnis and the ease with which prospective jihadis can reach the battlefield in Syria.

There is also the theological dimension. Given the stamp of approval by numerous Sunni scholars, the war against the Alawites of the Syrian Regime and their Shiite allies is widely understood by extremists to be a legitimate jihad, making participation obligatory and guaranteeing paradise for any true believer killed in battle (Al Haddad, 2012)[3]. Online posts make extensive reference to these religious themes and include footage depicting combat operations, including pre-attack testimonials by suicide attackers and other fighters preparing to enter battle (Al Tamimi, 2013). The imagery associated with these posts is complete with depictions of "green birds" and other extremist symbols of martyrdom, linked to photos of fighters previously killed in battle. This is being packaged as a "win-win" scenario for Sunni Muslims: they will either achieve victory and the return of the Caliphate, or they will die as martyrs in a jihad, and ascend to paradise. Whatever the attraction, postings seen today on social media have no parallels as recruiting tools in the history of the international jihad movement as demonstrated by the numbers listed above (Roussinos, 2013).

[3] Declarations of Syria as a legitimate jihad have come from Islamic scholars based not just in Muslim countries, but from those in the West as well. This greatly enhances their exposure and appeal to aspiring fighters in North America and Europe who may not speak or read Arabic. One such scholar who has endorsed the Syrian jihad is London-based Haitham al-Haddad, whose 2012 English-language article, "Do We Go for Jihad in Syria?" is cited in this paper. In it, al-Haddad unequivocally declares the war in Syria against the Assad regime "a compulsory jihad".

Past Plots as an Indicator of Future Threats

The presence in Syria of so many foreign fighters from the West poses a threat to U.S. interests from terrorist attack. Since the 1980s, history has shown foreign fighters greatly increase the possibility of a widening of the war, as well as the risk of future terrorist attacks outside the conflict zone (Lund, 2012). The list of attempted and actual terrorist attacks carried out in the West and elsewhere by former foreign fighters since the 1980s is long and tragic. The success of such operations reflects expertise developed on the battlefield and adapted to civilian locales by highly motivated Islamic extremists unwilling to let the fight end, but who instead continue to vent their rage against the West.

Such operations began with the bombing of the World Trade Center in New York in 1993, carried out by Egyptian veterans of the war in Afghanistan against the Soviets (Cline, 2013), and continue to the present day with the 2013 attack on the Westgate Mall in Nairobi, Kenya; a murderous attack perpetrated by veterans of the jihad in Somalia (Pflanz, 2014). During the intervening 20 year span, veterans of various jihads executed attacks against U.S. and Western interests in Asia, Africa and North America, including such high-profile mass-casualty events as the bombings of the U.S. Embassies in Kenya and Tanzania (1998), plots in Lebanon and Jordan (1999-2000), the bombing of the USS COLE, the 9/11 attacks, the attempted bombing of American Airlines Flight 63 by Richard Reid ("the shoe bomber"), as well as horrific attacks in Russia (Terrorism and Political Islam, 2009).

Many of the terrorist attacks during this period were carried out by people whose belief in targeting the West was deepened during service in a jihad. Along with religious indoctrination, fighters learned to handle explosives and small arms – the tools of terrorist attacks. In response to the scrutiny of Western and Arab security services, they also developed skills necessary to cross borders and settle in target countries without attracting law enforcement attention. Planners prized those among the pool of foreign fighters with experience of life in the West because of their ability to operate there without arousing suspicion (Washington Valdez, 2008). Highly motivated and armed with the necessary skills, current and former foreign fighters pose a threat of terrorist attack against U.S. and Western interests, especially when externally funded and directed by skilled planners against a specific target.

Such scenarios are not hypothetical. The first attacks by veterans of the jihad in Syria have already occurred and the first victims have died. On May 25, 2014, Mehdi Nemmouche, a French citizen who returned to Europe from Syria sometime in 2013, killed four people at the Jewish Museum in Brussels using a Kalashnikov rifle (AK-47) and handgun (Penketh, 2014). He likely acquired the skills to do so as a foreign fighter. More recently (July 24, 2014), Norway's security service (the PST) issued a warning the nation faced an imminent terror threat, posting on its website the statement "individuals affiliated with an extreme Islamist group in Syria may have the intention of carrying out a terrorist action in Norway" (Taylor, 2014). While

details of the plot were not provided in the warning, it is understood the PST considers this a highly credible and imminent threat.

III. Strategies to Neutralize the Threat

The propensity of jihadis from the West to evolve into effective terrorist operatives makes it vitally important to interrupt the recruitment-radicalization-return cycle, particularly among those who travel to Syria from Western countries. It is these jihadists who hold Western passports and who understand how to operate in the nations of Europe, North American and Asia. When their time at the front is over, it is the former foreign fighters who become the most dangerous to civilian populations. The recommended strategies which follow attempt to address this threat across a variety of disciplines.

Diplomatic Strategies

Given the transnational scope of the international jihad movement and the number of nations impacted by and connected to the foreign fighter threat, effective diplomacy is a valuable component of a neutralization strategy. Diplomacy must be multifaceted in nature and address political, legal, social, economic, military and law enforcement aspects of the problem (Cronin, 2002). Among nations of the West, and particularly the United States' closest allies, it is generally agreed travel to Syria by members of domestic civilian populations for the purpose of joining an al Qaeda affiliate is bad. These nations therefore already cooperate politically, and maintain military and law enforcement relationships (Terrorism and Political Islam, 2009). For this reason, diplomatic negotiations with such allies is really only necessary to refine already sound working relationships. The more nuanced areas requiring diplomacy involve nations whose actions intentionally or unintentionally create conditions favorable to extremists. This is particularly the case with three nations which provide significant support to the Syrian resistance, largely as a result of their view of themselves as defenders of Sunni Islamism: Turkey, Saudi Arabia and Qatar (Lund, 2013).

Turkey, an important U.S. and NATO ally, has throughout the course of the war allowed foreign citizens to move freely across the Turkish-Syrian border with minimal scrutiny and no control. This includes movement both into Syria to join the jihad, and out of Syria to return to their own nations (De Freytas-Tamuramay, 2014). While much of the cross-border movement involves much-needed humanitarian aid, without which even more civilians would perish, among the legitimate travelers are known to be large numbers of aspiring foreign fighters and seasoned jihadists (Al Tamimi, 2013). Turkey is doing so primarily to hasten the fall of the Assad regime, and in the belief the additional manpower will contribute to the security of Sunni Muslims. For this reason, Turkey is widely understood to contain the most easily accessible routes into Syria for both humanitarian aid and for foreign fighters (Walsh, 2013).

The Turkish Government has the capability to more completely control its border with Syria, but has not, despite mounting evidence it is serving as the primary pathway into Syria for

foreign fighters. A December 2013 interview with one facilitator responsible for moving fighters across the Syrian border revealed the Turkish Government has not taken any steps to stop extremist movement. A local Syrian named "Mohammed" was quoted in December 2013 as saying, "If the Turkish government wants to prevent them coming into the country, it would do so, but they don't" (Hegghammer, December 2013). A second account comes from a post on social media by a foreign fighter from the UK. The man describes how the Turkish border guards stopped his group as they prepared to enter Syria for the first time and asked them if they were members of the FSA. Such was their religious fervor, the group answered they were not, replying they were with the jihadists. After searching their luggage and stealing a pair of gloves from the men, the border guards smiled and waved them on (Roussinos, 2013).

Although both of the above accounts refer to foreign fighters crossing from Turkey into Syria, such operative must first enter Turkey from a third country. Under present Turkish immigration law, holders of passports from North American and EU countries enjoy easy access to the country (Tokyay, 2014), primarily in recognition of the revenue legitimate tourists generate. However, accounts from foreign fighters flying into Istanbul's Ataturk International Airport make it clear numerous aspiring or returning foreign fighters are among the vacationers (Hegghammer, December 2013). Once they enter the country, there are no controls on traveling to and across the Turkish border with Syria. While Turkey has acknowledged the problem and claims to recognize the threat, as of July 2014 the government had not articulated any clear measures beyond "tightening the border to reduce uncontrolled crossings" (Tokyay, 2014).

Diplomacy should be used to persuade Turkey to impose stricter border controls, including on persons arriving to the country at international air and sea ports, as well as those crossing the land border - in either direction. While it is understood Turkey is a popular tourist destination and derives significant revenue from this industry, the above accounts make it clear the government is doing little to halt the movement of jihadis – including those who openly declare their intentions. Ankara should be persuaded the movement of such people represents a threat to the security of all, including Turkey itself. A relevant historical example is Pakistan, which for three decades served as the pathway for extremists entering Afghanistan, but which later also suffered greatly from the ravages of terrorism. Hand-in-hand with requests of Turkey for additional security should be a U.S. offer of technical assistance and operational expertise, along with funding to assist with the purchase of necessary equipment and hiring and training of personnel.

If Turkey is a central player in the effort to halt or reduce the cross-border movement of fighters, U.S. allies Saudi Arabia and Qatar are highly significant to the issue of funding for extremist groups. Since the start of the civil war, both Gulf States have been major sources of financial assistance to the Syrian opposition, as well as humanitarian aid to Syrian refugees. As described above, these wealthy nations are eager to slow or halt the killing of fellow Sunnis and wish to see the Shiite-aligned Assad Regime removed from power as quickly as possible. This has resulted in the provision of billions of dollars in aid to the rebels, as well as the transfer of

sophisticated weapons intended to allow them to counter the regime's armored vehicles and aircraft. Material aid reaches the rebels via corridors through Turkey and Jordan, while financial assistance flows from the Gulf States, to rebel groups' offices along the Turkish border, and into the hands of fighters in Syria (DeYoung, 2013).

Although optimistic observers hope the large-scale infusion of money and weapons are going to those groups whose ideological bent is the "least Islamist", the reality on the ground is that cooperation among various rebel factions and the mobility of personnel between organizations makes predicting the end-users of the aid problematic. This is complicated by the continuous occurrence of mergers and splits among groups (Weinberg, 2013), making the current system of providing military assistance to the rebels dangerous. Under the present arrangement, the Saudis, Qataris and the U.S. are providing funding, equipment and training to various rebel groups, specifically those which their intelligence services feel will best advance individual foreign policy goals and operational objectives on the ground (Soguel, 2014).

Both Qatar and Saudi Arabia are presently pursuing their own strategies in Syria, (Qatar resets its Syria policy, 2013), aiding different factions of the Sunni resistance and attempting to negotiate political settlements with only sporadic consultation with the rest of the international community. The reality under the present system is no external actor can be sure who ultimately receives the aid, or how much assistance each group is receiving. The difficulty in predicting end-users and the high degree of cross-pollination among different groups means it is probable al Nusrah and ISIS are benefitting from the influx of military aid, even that which is not intended for them. This is particularly true because the Gulf States are providing both official government aid, as well as private donations from wealthy citizens (Soguel, 2014). Identifying rebel groups whose interests and ideology are most closely aligned with the West will inform decisions as to which groups should receive military assistance; however it is important to acknowledge that any vetting process is imprecise, particularly in Syria. In addition, even in cases where a group can reliably be declared to be relatively free of foreign fighters and/or extremist ideology, it will be difficult to ensure weapons and equipment supplied to it do not eventually end up in the hands of other groups. For these reasons, the provision of military aid should not include weapons with particular terrorist applications.

Diplomatic efforts regarding Saudi Arabia and Qatar should continue to focus on closer coordination of military and financial aid with their U.S. and European allies. In order minimize unintended consequences, nations supplying both lethal and financial assistance must work together to ensure groups are vetted to ensure they do not contain or cooperate with groups which contain extremists who wish to target the West or its Muslim allies. The need for better coordination has become self-evident to the Gulf States in light of the gains made by extremist elements in Iraq, who are closely linked, if not identical to their fellow ideologues in Syria (Keating, 2014).

U.S. Diplomacy to date has been successful at limiting the types of weapons and equipment being supplied to the rebels (Worth, 2012). There are indications from media reports that U.S. intelligence officials have already been working with their Saudi and Qatari counterparts to pre-approve vetted Syrian rebel groups slated to receive lethal aid in the form of surface to air missiles and anti-tank weapons (Chivers and Schmitt, 2013). Safeguards of this nature are aimed at preventing sophisticated equipment with the potential for use in terrorist attacks from falling in the hands of extremists who will turn them against the nations of the West. These successes should be built upon to lobby for the implementation of stricter protocols regarding the passage of financial assistance to the rebels in Syria.

Law Enforcement Strategies

U.S. and allied law enforcement and their colleagues in the intelligence community are central to any strategy to mitigate the threat posed by foreign fighters in Syria. Law enforcement plays such an important role, because the threat in question is posed largely by citizens of the U.S. or Western countries – people who, by definition are subject to the criminal laws of those nations. Criminal jurisdiction is a particularly significant tool in countries (like the U.S.) where military options against their own citizens are very limited. U.S. law also reflects a history of the nation as victim of past attacks and recognizes the seriousness of terrorism as a criminal offense. For this reason, prosecutors have a variety of wide-ranging offenses with which to charge terrorists, while federal judges have great latitude to sentence those convicted of terrorism-related offenses.

Under U.S. federal law, a person subject to the jurisdiction of the United States is guilty of a crime if they conspire with one or more person to kill, kidnap, maim or injure persons or damage property in a foreign county (Title 18 United States Code § 956) or if they provide material support to terrorists (Title 18 United States Code § 2339A and B) or if they receive military type training from a foreign terrorist organization (Title 18 United States Code § 2339D). These laws, in addition to others relating to terrorism, carry significant criminal penalties for anyone convicted of them. They also apply directly to many of the acts being committed by aspiring or actual foreign fighters, either before they depart for Syria, or once they reach there and affiliate with al Nusrah or ISIS.

U.S. law also has provisions to allow the use of sophisticated investigative techniques which allow law enforcement to gather evidence and intelligence against U.S. citizens and permanent residents. Under certain circumstances (primarily when the person is located overseas) U.S. intelligence agencies may also collect intelligence on U.S. citizens and permanent residents as a means of thwarting their activities in support of terrorists. Both law enforcement and intelligence agencies are empowered to collect foreign intelligence on non-U.S. persons, meaning they have significant capabilities against foreign fighters holding citizenship from a European or Asian nation. The goals of these collection efforts is to identify foreign fighters, determine their source of financial support, locate the routes they are using, and understand how

they are trained and equipped once inside Syria. It is also important to discover the ways by which they leave Syria to return to their place of origin. As articulated by the head of the U.S. National Counterterrorism Center (NCTC) in March 2014, " As the conflict in Syria continues, issues associated with Syrian foreign fighters and their travel patterns will be a continued area of the highest priority and emphasis for NCTC and the Intelligence Community." (Olsen 2014)

As with any other criminal offense, the arrest and prosecution of terrorists lessens the threat both by removing actors from society, and by having a deterrent effect on others considering a similar course of action. This is particularly true in the case of Syria, where foreign fighters from the U.S. and the West who have successfully affiliated with al Nusrah or ISIS clearly believe they are beyond the reach of law enforcement, as they have no intention of ever returning to their homes. Videos have been posted online showing American and European foreign fighters destroying their passports as a sign of hatred and defiance of their own governments (Christie, 2014). Their statements indicate they are in Syria to win victory - in which case they will remain in the newly formed "Caliphate" - or to die in the attempt.

The actual arrest and return to the U.S. of such individuals to face criminal prosecution is likely to deter some from following in their footsteps. This is also true of aspiring travelers who have not yet departed for Syria, and the people who recruit and send foreign fighters overseas. Although most extremists profess a willingness to face death or injury on a foreign battlefield, the idea of public criminal trials followed by lengthy prison sentences may have a chilling effect on those who lack complete resolve. As is true with any collection of people, there are always varying degrees of commitment to the cause among members of any organization, even among religiously-inspired terrorist groups. While it is true there will always be those willing to give the last full measure, there is a greater number who, though they profess their eagerness to do so, are much less willing to face imprisonment or death. It is these less-than-fully committed individuals who are the target audience of prosecutions.

Although there have been no foreign fighters arrested in the region and returned to the U.S. to stand trial as of this writing[4], captures in other locations give useful examples. The first American convicted of crimes of this nature was John Walker Lindh, an American captured on the battlefield in Afghanistan, where he was fighting for as a member of al Qaeda against U.S. Forces in late 2001. He was subsequently returned to the U.S., pleaded guilty to supporting the Taliban, and sentenced to 20 years in prison (Swann and Corera, 2011). Similar cases followed. Kamal Said Hassan, a Somali resident of the Twin Cities who fought in Somalia as a member of al Shabaab (al Qaeda's affiliate in East Africa) was returned to the U.S. in early 2009. He was indicted on charges of supporting a terrorist organization, and ultimately pled guilty. Hassan

[4] U.S. citizen Eric Haroun traveled to Syria in early 2013 and fought against the Assad Regime as a member of the FSA and al Nusrah. He voluntarily returned to the U.S. approximately a year later and was charged with a number of crimes relating to terrorism. Due to the difficulties involved in proving he willingly fought as a member of a terrorist organization, Haroun was allowed to plead to a lower level offense and was sentenced to time served.

subsequently testified at the trial of Mahamoud Said Omar, a person convicted of recruiting other extremists in the Twin Cities to travel to Somalia to fight for al Shabaab (Hanners, 2012).

While the effect of such trials on future recruitments is difficult to measure, an unexpected arrest on a foreign battlefield and return to the U.S. to face criminal penalties may represent a significant deterrent. Lengthy incarceration prevents extremists from achieving martyrdom during a jihad, thereby denying them the rewards promised in the afterlife. While a foreign fighter or aspiring recruit may not fear dying in battle against the Syrians, the idea of spending life in prison might be less appealing. Even in instances where foreign fighters do not fear prosecution, this is still a worthwhile measure as lengthy prison sentences remove them from society, rendering them unable to do harm.

Since foreign fighters in Syria are beyond the reach of law enforcement under normal circumstances, measures must be taken to track and apprehend them through nontraditional means. The ongoing collection of evidence and intelligence is an important measure to ensure criminal charges are possible in the event foreign fighters become accessible to law enforcement. Terrorism investigators must therefore continue the investigation of all identified foreign fighters who fall within their national jurisdiction. This should be done both to track their movements, and to continue to compile evidence. Plans should also be made and implemented, where applicable, to induce foreign fighters to move to locations – primarily those outside Syria - where they can be arrested and returned to the U.S.

Inasmuch as the U.S. is funding and equipping a number of rebel groups, it is reasonable to request they provide information about U.S. and Western foreign fighters they encounter in Syria. While the idea of requesting that friendly rebel groups also arrest and hand over to U.S. law enforcement any foreign fighters they encounter has some appeal, there are numerous dangers associated with such a policy. First, West-leaning groups might come into conflict with al Qaeda affiliates should they attempt to arrest their members. There are also concerns as to whether foreign fighters would be safe in rebel custody until they can be handed over to Western law enforcement. For this reason, it is recommended friendly rebel groups be requested to provide prompt, accurate and complete information regarding foreign fighters they encounter in Syria. This request should be linked to the continued provision of financial and military assistance, with the more successful groups receiving bonuses for the intelligence.

In rare circumstances, friendly rebel organizations might be requested to facilitate the arrest and immediate handover to U.S. or Western authorities of foreign fighters. Such circumstances might occur when specific individuals who have been charged and who pose a particularly serious threat, are exposed to capture. In such a case, the friendly rebel group might be requested to facilitate the arrest and immediate handover to U.S. or allied authorities. U.S. or Western law enforcement would then be required to take immediate custody of such individuals for transportation to their home country for prosecution.

This should also be requested of Turkey, a country which, as described above, is the primary gateway for foreign fighters travelling both to Syria, and for those returning to their places of origin. Most of the foreign fighters in Syria today entered the country through Turkey and analysis of posts on social media by foreign fighters reflects many spend time in Turkey when not on the front lines. This gives Turkish law enforcement a unique and important ability to apprehend such individuals. The Government of Turkey should therefore be requested to assist with ongoing collection of evidence and intelligence regarding foreign fighters on their territory, and to assist with apprehending and extraditing such individuals as they are charged. Turkey should be requested to take such steps both as a NATO ally which recognizes the threat to North America and Europe from al Qaeda, and also as a signatory to a 1979 Mutual Legal Assistance Treaty (MLAT) with the U.S. which provides for the exchange of evidence and the extradition of persons in criminal cases (Treaty on Extradition and Mutual Assistance in Criminal Matters Between the U.S. and the Republic of Turkey, 1979).

Attempts at arresting foreign fighters in Syria and Turkey must also be accompanied by a parallel effort against aspiring travelers before they leave their nations of origin. These individuals – and the persons who recruit them – must also be subject to aggressive investigative efforts and vigorous prosecution in cases where sufficient evidence exists. This is particularly important in the case of recruiters, financiers and facilitators (persons who assist foreign fighters in traveling to a jihad location). Although reaching Syria to join al Nusrah or ISIS is relatively straightforward logistically, support networks in Western countries multiply the numbers of travelers by pulling in those who otherwise lack motivation, knowledge or financial means to actually travel. In the relatively few instances where supporting individuals have been convicted to date (in two cases, for sending men to Somalia), sentences have been relatively high, a reflection courts recognize the danger which recruiters/facilitators/financiers pose to society (Hanners, 2012 & Browning, 2012).

In cases where sufficient evidence has not yet been collected to permit criminal prosecution, intermediate solutions must be found, especially since in time-sensitive situations where the departure of an individual or a group of aspiring foreign fighters is imminent. Techniques and tactics which do not involve prosecution, or "non-criminal measures", include the imposition of administrative orders which restrict specific movement (use of the "No-Fly List"), community outreach/social programs, and the continued collection of information. These techniques are not mutually exclusive, and can be employed simultaneously as part of a coordinated law enforcement response. These techniques are specific to U.S. law enforcement, and are permissible under federal, state and local law. Based on differences between U.S. and foreign laws, additional non-criminal measures are generally available to European law enforcement.

Two promising non-criminal strategies already in widespread use in Europe with applicability in the U.S. are publicity campaigns and community outreach efforts aimed at reducing the appeal of travel to Syria. Publicity campaigns utilize mass and social media to

inform and educate at-risk communities about the dangers of travel to Syria. Such an effort has been underway in the UK – the source of 300-500 foreign fighters in Syria today – since April 2014. Under this police-led operation, the UK Government is sponsoring publicity which emphasizes three themes to educate youth. First, the campaign informs the public that travel to Syria is dangerous and discourages anyone from going there on safety grounds. It also invites family members who suspect loved ones of planning travel to come forward as a means of "preventing tragedy". Second, it informs that such travel is possibly illegal, and exposes anyone who does so to consequences under the legal system. Third, the campaign offers those passionate about helping in Syria an alternative to traveling there to fight by informing them about the network of registered UK charities providing humanitarian aid and urges them to help through contributions to legitimate relief organizations (Campaign launched to stop young people going over to Syria to fight, 2014). In addition to the media campaign, the UK and a number of other European nations are also making use of mentoring to provide an alternative message to youth on an interpersonal level (Vidino, 2014).

Based on encouraging initial results in Europe (Vidino, 2014), this paper recommends the development and employment of a federally-funded publicity effort modeled on the anti-drug media campaign which was launched in the 1980s and continues today. In recognition of the prevalence of online and social media today, this campaign must include a large and active presence on the internet. Like the anti-drug campaign, it will inform the target audience of the illegality and danger of specific behavior – in this case, travel to Syria. The campaign will also strive to provide an alternative narrative to that of the jihadist recruiters, who extol not only the theological and practical righteousness of al Nusrah and ISIS' cause, but who also paint a very rosy picture of life for jihadis in Syria. The reality of life in Syria for foreign fighters has been somewhat less glamorous and it is important this message is shared as well. Therefore, the campaign will also strive to illustrate the impact on families of travel and typical outcomes for foreign fighters, including death, or serious injury. While it is unrealistic to expect this campaign will dissuade all aspiring travelers, it is likely to convince some. Moreover, aspiring foreign fighters are not the only target audience. If the campaign convinces family and friends to come forward to report behavior of concern in the case of potential or aspiring travelers, law enforcement will gain information which will allow it to intervene before a person travels. Therefore, the outreach campaign should also contain information which allows concerned members of the public to contact the FBI via its website, national hotlines, or directly in local field offices.

A parallel effort in the U.S. will also include a community outreach component, adapted to Syria-specific issues. In contrast to normal community outreach practiced by law enforcement for decades, the envisioned strategy does not focus effort primarily on perceived community leaders. While high-level visits to such persons are necessary and important, the reality is such people probably already recognize the threat to their communities and have taken steps within their power to discourage dangerous behavior. What is also required is peer-to-peer contact with

youth and young adults in at-risk populations. It is this demographic which is heavily represented among the foreign fighter population and it is this age group which remains the most vulnerable to recruitment (Hegghammer, November 2013). This is also the audience which will have the most visibility on a carefully composed social media campaign which provides an alternative message to that of the jihadist recruiters.

While federal law enforcement in the U.S. maintains an impressive level of funding and expertise, the reality is that local police, specifically community policing officers or beat personnel are the ones best-positioned to run the peer or near-pear youth/young adult outreach program. This has been true at the local level since the 1980s with anti-drug, anti-drug and anti-gang campaigns being run by local law enforcement experts who already operate daily in at-risk communities. This is especially effective in cases where members of those communities have become police officers and community relations specialists themselves, and are able to carry the message in the most effective manner (Chanen, 2014).

This paper does not recommend the employment in the U.S. of one non-criminal measure in use in a number of European countries and Australia: namely that of revoking or seizing the passports of aspiring travelers in order to prevent them from leaving the country (Vidino, 2014). This measure, if not accompanied by an effective companion solution (such as prosecution/incarceration), effectively "traps" an aspiring jihadist in his own country, leaving that person frustrated and likely angrier than previously. This creates a dangerous situation which exposes civilian populations to danger of attack from jihadists unable to travel to fulfil their aspirations. It will also be difficult from a legal perspective for U.S. authorities to employ other measures seen in Europe, including placing aspiring travelers who are minors into protective custody, restricting access to the internet, and mandating attendance at certain schools to reduce the threat of radicalization. These measures are not recommended on the grounds they pose First and Sixth Amendment and issues.

The above recommendations address the threat posed by fighters who are U.S. persons. However, despite geographic separation, foreign fighters from Europe represent nearly as great a threat to the U.S. as those who carry American passports. This is due to the ease with which most Europeans are able to enter the U.S. The I-94W "visa waiver" program allows citizens of designated "visa waiver program" countries (which includes most of the countries of Europe) to enter the U.S. without first obtaining a visa. Therefore, passport holders from many of the countries which have significant numbers of citizens fighting with al Nusrah and ISIS are able to circumvent the security checks required for citizens from other nations. Citizens of visa waiver countries are able to obtain U.S. entry documents at the departure airport and are subject to far less scrutiny upon entry (U.S. State Department/Bureau of Consular Affairs website).

Despite the danger, the use of criminal tools by U.S. law enforcement to neutralize European foreign fighters is problematic, especially where extremists of European origin do not fall under U.S. jurisdiction. This increases the importance of European nations prosecuting their

own citizens as a means to halt their activities. European criminal laws differ from those of the U.S. They also vary from country to country, complicating the formulation of a consolidated pan-European or U.S.-European legal policy on travel to Syria. Although most European nations have as of the date of this writing concluded foreign fighters in Syria pose a threat to individual and collective national security, there is a divergence of legal and operational policy (Vidino, 2014). In addition, European law is generally less strict in cases where citizens travel abroad to fight in a jihad, even when they join an illegal organization such as al Qaeda. This is even true in nations which historically have taken a strong legal and operational stance against terrorism, such as France. As of the date of this writing, few aspiring or returning foreign fighters from Europe have been prosecuted in their countries of origin (Bakker, Paulussen and Entenmann, 2013).

A December 2013 paper by the International Centre for Counter-Terrorism (ICCT) concluded the nations of continental Europe and the UK lack a comprehensive, unified approach to address the problem of their citizens who travel to Syria to fight using criminal processes. The study found responses vary from the passage of new laws aimed at Syria (France), to the seizure of travel documents to prevent travel of aspiring foreign fighters (Germany, Belgium), to the withholding of immigration benefits to de-incentivize potential travelers (Austria). Belgium, with one of the largest populations of foreign fighters per capita, has already rejected the use of more strict criminal laws (Bakker, Paulussen and Entenmann, 2013). This is problematic from a U.S. perspective, since many European foreign fighters will not be readily accessible to arrest by American law enforcement and may not even be subject to jurisdiction unless and until their attempt to enter the U.S.

This prompted U.S. Attorney General Eric Holder, speaking in Norway on July 8, 2014, to urge his European counterparts to adopt "investigative and prosecutorial tools that allow us to be pre-emptive in our approach to confronting this problem" (Johnson, 2014). Specifically, the Department of Justice is concerned that waiting to address the problem until radicalized and dangerous jihadists return from foreign battlefields is not an effective strategy, and opens nations of the West to a “global crisis”. Echoing these concerns, this study recommends the development of an exchange program for counterterrorism prosecutors among the U.S. and Western nations in order to refine and, where possible, to standardize the use of criminal tools to mitigate the threat from foreign fighters. Despite the differences in laws and investigative practice, a free exchange of ideas and knowledge among prosecutors facing similar problems will be valuable. This is particularly true in the case of Syria where prospective foreign fighters generally transit a number of European nations on their way to and from the battlefield.

Increased legal exchanges will also facilitate an elevated level of cooperation among border security agencies among the nations of Europe and North America. This will enhance the capability of individual national border agencies as well as FRONTEX, the EU border authority, to identify and halt the movement of foreign fighters in both directions. Border security agencies have a particularly important role to play. Unlike their law enforcement counterparts in criminal

justice systems, border organizations generally have broader authority to take administrative non-judicial action, such as border surveillance, interviews, searches of persons, electronic media and vehicles, denial of entry, and removal of those deemed deportable. While not a permanent solution, border agencies are well-positioned to collect information, seize contraband and halt the movement of dangerous people, usually based only on statutory authority and without having to resort to the use of judges and juries.

This study recommends an increased level of cooperation specific to the foreign fighter issue between U.S. Customs and Border Protection (CBP), the Canadian Border Security Agency (CBSA) and their counterparts in Europe. Given the number of national agencies in Europe, the EU point of contact is logically FRONTEX, the organization which coordinates the integration of individual nations' border guard services. FRONTEX already oversees a variety of joint operations which address problems specific to international borders, such as human trafficking, narcotics smuggling, weapons trafficking and the the movement of illegal immigrants (FRONTEX Website). The architecture and standardized operating procedures are therefore already in place to support integrated counterterrorism efforts. CBP and CBSA should deepen cooperation with their European counterparts via the pre-existing structure established and operated by FRONTEX as a means of expanding the joint counterterrorism mission.

Legal issues aside, this study also concludes there is significant value to the U.S. in increasing the level of intelligence exchange among nations facing the greatest threat from foreign fighters. Although the measures European nations employ to thwart the activities of foreign fighters differ from the U.S. and from one another, the sharing of evidence and intelligence remains worthwhile. However, given the vital importance of a rapid flow of counterterrorism information, the process and practice of international law enforcement and intelligence exchanges must be reformed.

The current Western model for the exchange of counterterrorism information is based to a large degree on the "pull" system. Under this arrangement, a law enforcement or intelligence agency will generally share information in its possession with foreign counterparts only when asked. For example, in the case of Zacarias Moussaoui[5], a former foreign fighter and French citizen, the FBI first had to ask the French Government about him before being informed of his extremist connections. The British, who were also asked about Moussaoui because of his long-time residence in the UK, did not reply until after well after the events of 9/11 (Complete 9/11 Timeline).

This is not to single out the French or British – those nations have been staunch in their close counterterrorism cooperation with the U.S. The above example merely illustrates the "pull" system was previously common practice, and remains so even in the post-9/11 world.

[5] Zacarias Moussaoui, born May 30, 1968 in France, was an al Qaeda member and former foreign fighter sent to the U.S. in order to participate in the 9/11 attacks. He subsequently pleaded guilty to a number of crimes relating to this activity and was sentenced to life in prison.

While it is true improvements have been made to information-sharing protocols, most nations do not generally favor wide dissemination of the results of investigations, even to close allies, unless they have some specific reason for doing so. The narrow exceptions to this practice generally involve specific threats or some other extraordinary reason for sending unsolicited information to a foreign partner. This system has existed since the first foreign fighters emerged as a concern in the context of 1980s Afghanistan, and largely survive to this day.

U.S. and Western law enforcement agencies have not historically been predisposed to "push" information to one another on a routine basis. The 9/11 Commission Report contains accounts spanning three decades of terrorist operatives (many of whom who were former foreign fighters) moving freely across international borders despite knowledge in one or more nations regarding their dangerousness. In most cases it is only after attacks have occurred that investigators in the targeted country learn the people who carried out the violence were known, often very well known, to an allied nation as former foreign fighters with connections to extremist organizations.

Given the magnitude of the foreign fighter problem in Syria and the scope of the threat to Western security, this practice should change. Nations should adopt a "push" mentality, under which North American and European nations pool their aggregated counterterrorism information – specific to actual, aspiring and returned foreign fighters - in a database to which all have access. As law enforcement or intelligence agencies of North America or Europe develop information about people who have traveled to Syria or are in the advanced stages of preparing to do so, they will input identifying data and a short summary of the information into a centrally administered database for the use of all. In order to protect individual nations' equities with regard to sources and methods and to preserve the integrity of specific investigations, the information shall not be exhaustive, and will merely contain summaries of terrorist ties, along with identifying information and biometric data of use to confirm identities.

Modern computer technology and the capability of the internet to move and store information make the practical use of such a system possible. The concept is based on technology already in use by the National Crime Information Center (NCIC) system, administered by the FBI for the benefit of a large law enforcement community. NCIC is a computerized database accessible around the clock by federal, state and local law enforcement agencies anywhere in the U.S. and Canada. NCIC contains information on wanted persons, missing persons, gang members, terrorist members and organizations, and stolen property. Any law enforcement officer in the U.S. (including those at the borders) and Canada has access to the data resident in NCIC, allowing them to run rapid checks and receive nearly instantaneous responses about persons they encounter during the course of investigations (Federal Bureau of Investigation Website, 2014).

Given the multiple categories of information stored by NCIC and the sheer magnitude of the data in each category, the system stores and moves a huge volume of information. It is also

constantly being updated to reflect changes as wanted persons are arrested, missing persons are found, and new persons are being sought for arrest. A foreign fighter database, even one administered for the use of North American and European nations, would be much smaller than NCIC. This will even be true should information pertaining to foreign fighters from all over the world be included (and it should be). As described above, present estimates place the number of foreign fighters in Syria at 10,000, of whom 1000-1500 are from the West. Compared to the volume of information in NCIC, this would be a very small database. [6]

It is recommended this database be established and maintained by Europol, the European Union's (EU) Law Enforcement Agency, headquartered in The Hague. Europol's mandate is to be the criminal information hub for member nations, and to ensure the rapid and accurate dissemination of data where needed. Therefore, the administration of a foreign fighter database is in keeping with the Europol's current mission. The task is highly relevant as Europol member states are heavily represented among the foreign fighter population. In addition, Europol is already working to combat other transnational strategic criminal threats, such as cybercrime, human trafficking and organized crime. Europol also is responsible for addressing terrorism, and produces an annual report, the EU Terrorism Situation and Trend Report (TE-SAT) as a tool for policymakers and to inform the public (Europol Website). Europol's central location, transnational approach and high-technology capabilities make it a natural choice to maintain a dynamic and accessible foreign fighter database.

Military Options

Although there are numerous military contingency options open to the U.S. in the Syrian civil war, few of these directly mitigate the foreign fighter threat to the West. Counterterrorism operations against al Qaeda affiliates and other anti-Western extremists are certainly militarily possible, but carry with them significant legal challenges, particularly given the prevalence of Western and U.S. citizens among the ranks of al Nusrah and ISIS. Statute and precedent generally prohibit the use of military force against U.S. persons, absent some compelling reason, usually an imminent threat to civilian life. It would be difficult to articulate that such a threat exists today, even among the most vocal of American jihadis in Syria. Therefore, the employment of military strikes against U.S. persons in Syria as a counterterrorism measure is not recommended.

In the case of foreign fighters from other nations, fewer legal constraints exist on U.S. military action, meaning it is possible for American military forces to begin targeting extremist foreign fighter leadership and cadres on the battlefield, much as occurred in Iraq and Somalia in the past and is currently ongoing in Afghanistan, Pakistan and Yemen. These attacks are permissible provided such figures are not reasonably believed to be U.S. persons. Despite the legal authority to carry out military strikes on foreign fighters in Syria, this course of action is

[6] In September 2011, NCIC contained 11.7 million records and averaged 7.9 million transactions per day.

not recommended at present. Attacks on third-country citizens by the U.S. may present diplomatic issues, especially in cases where the information leading to the decision to attack is classified, and not releasable to the general public. The killing of foreign fighters therefore may leave the U.S. open to charges it is targeting humanitarian workers, innocent civilians, or friendly rebel forces. Accusations of this kind, likely propagated by the extremists' very active propaganda apparatus, may jeopardize allied unity and resolve.

In addition, U.S. or allied military operations against extremists run the risk of assisting the Assad Regime. As described above, extremist groups such as al Nusrah and ISIS have brought considerable combat power to the rebel bloc, particularly given their sophisticated use of vehicle-borne improvised explosive devices (VBIED) as a means of countering heavily armed regime units. They also provide considerable augmentation to the manpower of rebel forces, an important consideration in a war of attrition. Therefore, U.S. military contingency operations against al Nusrah or ISIS forces, particularly against leadership or command and control elements, might severely degrade the current military capabilities of the rebels, risking further loss of civilian life on the ground in Syria. Due to the difficulty of accurately assessing the effect which military strikes will have and the potential dangers they pose, the use of these is not recommended in Syria at present.

Despite the dangers of direct U.S. military action, the Department of Defense and their counterparts in the Central Intelligence Agency's paramilitary operations branch do have a number of ways to mitigate the threat from foreign fighters. First, they should continue to use their significant intelligence collection capabilities to build as comprehensive a picture as possible of foreign fighter activities in the region. Continued collection and analysis of such intelligence will allow them to inform decision-makers of day-to-day activities, and will also position the U.S. to detect threats to American interests which emerge. Having an accurate picture of events on the ground, particularly with regard to the activities, capabilities and intentions of the approximately 26,000 identified members of extremist rebel organizations is critical to deciding on future actions (Blanchard, Humud and Nikitin, 2014).

Should opportunities arise, no organization in the world is better trained and equipped than the Department of Defense to support law enforcement in making overseas arrests of foreign fighters under U.S. criminal jurisdiction. Although exercised on rare occasions, military support to U.S. law enforcement has led to crucial captures of terrorists who would otherwise be inaccessible to federal, state or local authorities. The most notable and spectacular assistance of this nature occurred over the Mediterranean Sea during October 1985, when U.S. Navy F-14 Tomcat fighters intercepted an Egypt Air passenger jet carrying Palestinian Liberation Front (PLF) terrorists who previously hijacked the cruise ship *Achille Lauro*. During the course of the hijacking, the terrorists murdered a U.S. citizen aboard the ship. During the terrorists' attempted escape, the U.S. fighters forced their Tunis-bound aircraft to divert to a joint U.S. and Italian air station in Sicily where they were arrested (Manning, 2000). Two years later, the U.S. Navy assisted the FBI in arresting Fawaz Yunis, one of five hijackers who seized a Royal Jordanian

Airlines Flight in 1985. Yunis was arrested by undercover Agents aboard a yacht in the Mediterranean and transported to the U.S. with significant operational and logistical assistance from the Department of Defense (Drew, 1987).

More recently, U.S. Special Forces operators captured Nazih Abdul-Hamed al-Ruqai, an al Qaeda operative charged with participation in the 1998 bombings of the U.S. embassies in Tanzania and Kenya. Al-Ruqai was captured in Tripoli, Libya in October 2013, at around the same time a U.S. Navy SEAL element assaulted a building in Somalia being used as a residence by a senior member of al-Shabaab (Lodono, 2013). The operation in Somalia was intended to capture Abdulkadir Mohamed Abdulkadir, a leader of al Qaeda's East African affiliate, at his headquarters in the city of Baraawe. The raid was aborted by commanders after it was determined Abdulkadir could not be captured without incurring unwarranted casualties, especially to civilians in Baraawe (Ahmed, Ackerman and Smith, 2013). Finally, Ahmed Abu Khattala, a Libyan charged in the September 11, 2012 attack on the U.S. consulate in Benghazi, Libya, was captured outside Benghazi on June 15, 2014 by U.S. military Special Forces operators and FBI Agents working together. Immediately following his arrest, Khattala was brought to the U.S. to stand trial (Zennie, 2014).

Each of these operations demonstrates to extremists the reach of the U.S. and serves as a significant deterrent to hostile activities. Therefore, in instances where circumstances permit, Department of Defense elements should be utilized aggressively to capture and return to the U.S. as many foreign fighters as possible. In practice this means any who have been charged with criminal offenses who can be safely apprehended. Applied appropriately in and around Syria, U.S. military operations to arrest criminally charged foreign fighters probably have a very significant effect on the morale and activities of those on the ground today, and those who contemplate travel there in the future. Not only would it discourage those who have yet to travel to Syria, it would force the ones who are there to curtail their activities, particularly those activities which allow them to threaten the West.

A final way in which military assistance can be used to mitigate the foreign fighter threat is by increasing the combat capabilities of pro-Western rebel groups relative to al Nusrah and ISIS. While the difficulty of vetting perceived moderate organizations to rule out extremism has been debated in congress and in the media since the beginning of the conflict, the U.S. and Saudi Arabia have been taking steps to do so. Both nations have designated al Nusrah and ISIS terrorist organizations, and the Saudis have agreed to the exclusion of aid to any fighters who ever held membership in these groups (Issa, 2014). Those groups which remain have undergone some process by which they have been adjudged to be reliable and to have interests which coincide with the U.S., European allies and the Gulf States. It is these organizations which are presumably receiving lethal aid as a means to increase their capabilities against the regime.

The provision of training and equipment to vetted rebel organizations is critical to increase their capability to engage both Syrian regime forces, as well as rival rebel groups,

should this become necessary. Adequate military and financial assistance will allow vetted rebel forces to reassume leadership of the resistance of the resistance from al Qaeda affiliates. A June 2014 report by the Congressional Research Service calls ISIS, al Nusra, and Ahrar al Sham (a related extremist group) "the most effective opposition forces in the field" (Blanchard, Humud and Nikitin, 2014). This is problematic. Not only does this give extremist organizations primacy, it causes other rebel units to depend on them for combat support. Bolstering the military capabilities of pro-Western groups will allow them to assume a greater burden of the fight against the regime without reliance on the unique capabilities of al Nusrah or ISIS. While obviously a long-term process, military assistance might eventually give these organizations the capability to neutralize extremists, as occurred during the Sunni Awakening in Iraq.

IV. Conclusion

The spread of al Qaeda's brand of Sunni extremism to the Syrian civil war poses a serious threat to the United States. The sectarian aspect of the conflict, combined with a growing spiral of violence against Sunni civilians caused Islamic extremists to turn their attention to the war, sending fighters into Syria from outside the region in order to defend Sunni interests. Beginning with the fight against the Soviets in Afghanistan during the 1980s, the international jihad movement developed an expertise for recruiting, training and fielding foreign fighters. Although a proportion of the cadres have always come from Western nations, the current conflict in Syria has seen the highest ever participation by citizens of North America and Western Europe. History shows the presence of foreign fighters in a jihad results in the high possibility of terrorist attacks against the West.

The magnitude of the foreign fighter problem in Syria calls for aggressive and broad diplomatic, law enforcement and military strategies to mitigate the threat to the U.S. and allied nations. U.S. allies in Europe and the Arabian Gulf are not presently cooperating to the degree necessary for effective neutralization of the problem. Differing strategic goals, coupled with opposing views of the threat and a myriad of legal challenges has complicated the combined international response. This paper recommends the U.S. uses diplomacy to persuade Turkey, Saudi Arabia and Qatar to modify policies towards rebel organizations in order to decrease the prevalence of foreign fighters among the Syrian resistance. At the same time, U.S. and European law enforcement must work more closely to halt the flow of foreign fighters to Syria, and to apprehend and prosecute those who have already traveled there. Finally, the U.S. Department of Defense should use its global reach to support U.S. and allied law enforcement in their mission of apprehending criminally charged foreign fighters so they may face justice. At the same time, the U.S. military and their intelligence community partners must work to bolster the combat capabilities of vetted pro-West rebel groups inside Syria. It is important that pro-Western groups resume the leading role in the war against the regime, thereby decreasing the actual and moral authority of al Qaeda affiliates on the ground.

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